

JUD 10/21/03

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
OCT - 1 2003
DAVID J. MALAND, CLERK
BY DEPUTY *[Signature]*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JUNE BELT, on behalf of herself and
on behalf of all others similarly situated,
Plaintiff

vs.

EMCARE INC., et al
Defendants

CASE NO. 6:03-CV-73

ORDER

Having agreed that absent potential class members should receive notice of this pending claim (Docket #41), the parties submitted proposed forms of notice to the Court (Docket #s 43, 44, 45, 46). After hearing oral argument, the Court **ORDERS** plaintiff to modify its second proposed form of notice, found in its Reply to Defendants' Response (Docket #45), consistent with the Court's oral rulings. The Court **ORDERS** plaintiff and defendant to file a joint, agreed copy of the modified notice ("Notice") within 10 days of this Order.

After filing the joint, agreed form of notice with the Court, plaintiff Belt shall be responsible for sending Notice. Defendants shall provide plaintiff, within two weeks of this Order, the name and last known address of all current and former employees who fit within the plaintiff's alleged class. In the event of any Notices returned for improper address, the defendants shall have five days to provide plaintiff with a correct address for the absent class member. If defendants cannot locate the absent member within five days, defendants shall provide plaintiff the absent class member's date of birth, social security number and any other information reasonably necessary to locate the absent class member.

The Court further **ORDERS** that all returns from the absent class members in response to

[Handwritten signature]

notice of this action ("Returns") shall be postmarked by the ninetieth day following the notices' postmark. Pursuant to the parties' agreement on record, upon receipt of a Return, plaintiff shall fax a copy of the Return to the defendant's counsel Manthey. The Return's faxing shall toll the statute of limitations as to the absent class member who sent the Return. Thereafter, plaintiff's counsel shall file all returns collected with the clerk of court at one time.

Furthermore, the Court **ORDERS** that plaintiff shall be allowed to maintain a website for this case and note the site's address on the Notice. However, before posting the site, plaintiff shall provide defendants with a copy of the proposed site and an opportunity to object. Plaintiff shall thereafter provide defendants with advance notice of any substantive changes to the site's content and an opportunity to object.

So **ORDERED** and **SIGNED** this 1 day of October, 2003.


LEONARD DAVIS
UNITED STATES DISTRICT JUDGE